

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHWESTERN DIVISION**

<b>MARVIN EUGENE LONG,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 3:23-CV-00731-LCB</b>
	)	
<b>CITY OF SHEFFIELD, ALABAMA,</b>	)	
<b>et al.</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS BALENTINE, “COLBERT COUNTY SHERIFF’S  
OFFICE,” COLBERT COUNTY, CRUISE, MILLS, SKIPWORTH,  
VANDERFORD, HARKINS, AND EVANS’S MOTION TO  
STRIKE/WITHDRAW PREVIOUSLY FILED MOTIONS TO DISMISS  
AND BRIEFS**

COME NOW Defendants Sheriff Balentine, “Colbert County Sheriff’s Office,” Colbert County, Cruise, Mills, Skipworth, Vanderford, Harkins, and Evans, and hereby respectfully file this Motion to Strike/Withdraw their previously filed Motions to Dismiss and Briefs, contained in the docket of this Court as Documents 5-12, as follows:

1. Plaintiff’s original Complaint was filed on June 5, 2023 (Doc. 1), and served on June 7, 2023 (Doc. 3), making responsive pleadings for the served Defendants due June 28, 2023.
  
2. Plaintiff then filed an Amended Complaint on June 22, 2023. (Doc. 4)

3. Because Defendants' primary Counsel, Randy McNeill, has been and will be out for personal medical reasons much of last week and this week, he diligently worked to complete the Motions to Dismiss and Briefs (Docs. 5-12) prior to his absence in order to avoid delay. They were then filed on Monday, June 26, 2023, pursuant to previous instructions issued before the Amended Complaint was filed last Thursday.

4. These Motions and Briefs are directed to the original Complaint. The Amended Complaint has therefore mooted these Motions and Briefs. Defendants accordingly respectfully request their Motions to Dismiss and Briefs, Docs. 5-12 be withdrawn and stricken from the record. The Defendants who are named in the Amended Complaint will file appropriate responsive pleadings in accordance with the deadlines established by the Federal Rules of Civil Procedure.

Respectfully submitted this 26th day of June, 2023.

**s/Jamie Helen Kidd Frawley**

J. RANDALL MCNEILL (ASB-4841-E29J)

JAMIE HELEN KIDD FRAWLEY (ASB-7662-M76H)

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County, Cruise, Mills, Skipworth,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 26<sup>th</sup> day of June 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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**s/Jamie Helen Kidd Frawley**  
OF COUNSEL